

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

M,A, YAH, )  
Plaintiff, ) 8:07CV418  
v. )  
SELECT PORTFOLIO, FANNIE )  
MAE FOUNDATION, STEFFI A. )  
SWANSON, and JOSEPH TROIA, )  
Defendants. )  
)

This matter is before the court on Plaintiff's Rule 59 Motion (filing no. 16), and Plaintiff's Motion for Temporary Restraining Order (filing no. 17.)

In his Rule 59 Motion, Plaintiff asks this court to reconsider and set aside its January 10, 2008 Memorandum and Order dismissing Plaintiff's Complaint.<sup>1</sup> (Filing No. 11.) Because Plaintiff has not set forth any legal or factual basis that would cause the court to reconsider its Memorandum and Order (filing no. 11) and Judgment (filing no. 12) dismissing Plaintiff's Complaint, Plaintiff's Rule 59 Motion is denied.

<sup>1</sup>A motion to alter or amend judgment under Rule 59 of the Federal Rules of Civil Procedure must be filed “no later than 10 days after entry of judgment.” Plaintiff’s motion was not timely filed. But because the court is instructed to liberally construe pro se pleadings, the court will construe Plaintiff’s motion as a Rule 60(b)(6) motion for relief from judgment. A Rule 60(b)(6) motion shall be made “within a reasonable time.” Plaintiff’s motion was filed less than a month after the court’s Judgment dismissing his case, therefore, the court concludes Plaintiff’s motion was made within a reasonable time.

In Plaintiff's Motion for a Temporary Restraining Order, Plaintiff asks this court to "preclude defendant Fannie Mae Foundation . . . from: Taking any steps to assert prosecute, or seek a ruling on the 'title' dispute or take possession of said property involved in the action currently proceeding in the United States District Court of Nebraska . . ." Because this case is now closed the motion is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Rule 59 Motion (filing no. 16) is denied.
2. Plaintiff's Motion for Temporary Restraining Order (filing no. 17) is denied.

March 3, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge